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*Attorneys for Defendant*  
James David Harwin

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

JAMES DAVID HARWIN.,

Defendant.

CASE NO. 3:14-CR-0050-MMD-WGC

**STIPULATION AND ORDER TO  
CONTINUE PRETRIAL MOTIONS  
(FIRST REQUEST)**

IT IS HEREBY STIPULATED AND AGREED by and through CRAIG S. DENNEY, counsel for JAMES DAVID HARWIN; DANIEL G. BOGDEN, United States Attorney, and MEGAN RACHOW, ESQ., Assistant United States Attorney, counsel for the UNITED STATES OF AMERICA; that the deadline for pretrial motions is continued to August 15, 2014. Responses are due on August 29, 2014, and Replies are due on September 5, 2014.

The continuance is necessary for the following reasons:

1. Counsel for the defendant requires additional time to investigate all aspects of the case, and to be fully prepared for trial, taking into account the exercise of due diligence, in the event a plea agreement is unable to be reached prior to trial. Further, counsel requires additional time to analyze copious discovery and discuss it with his client.

2. Counsel for the parties seek additional time to reach a settlement of this case prior to trial.

1           3.       The defendant is in custody and does not oppose the delay so his counsel will have  
2 sufficient time to review discovery and prepare his defense for this case.

3           4.       The defendant has consulted with his counsel and agrees to a continuance in this  
4 case.

5           5.       Failure to grant this continuance would deny counsel for the defendant the  
6 reasonable time necessary for effective preparation, taking into account the exercise of due  
7 diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

8           6.       The additional time requested by this Stipulation is excludable in computing the  
9 time within which the trial herein must commence under the provisions of the Speedy Trial Act  
10 pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and (B)(i)(iv), in that failure to  
11 grant this continuance would result in a miscarriage of justice by denying counsel for the  
12 defendant reasonable time necessary for effective preparation, taking into account the exercise of  
13 due diligence.

14           DATED this 31<sup>st</sup> day of July, 2014

15  
16           /s/ Megan Rachow  
17 MEGAN RACHOW  
Assistant United States Attorney

/s/ Craig Denney  
CRAIG S. DENNEY  
CARRIE L. PARKER  
Counsel for JAMES DAVID HARWIN

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

JAMES DAVID HARWIN.,

Defendant.

CASE NO. 3:14-CR-0050-MMD-WGC

**FINDINGS OF FACT AND  
CONCLUSIONS OF LAW AND  
ORDER**

**FINDINGS OF FACT**

Based on the pending Stipulation of Counsel, and good cause appearing, the Court finds:

1. Counsel for the defendant requires additional time to investigate all aspects of the case, and to be fully prepared for trial, taking into account the exercise of due diligence, in the event a plea agreement is unable to be reached prior to trial. Further, counsel requires additional time to analyze copious discovery and discuss it with his client.

2. Counsel for the parties seek additional time to reach a settlement of this case prior to trial.

3. The defendant is in custody and does not oppose the delay so his counsel will have sufficient time to review discovery and prepare his defense for this case.

4. The defendant has consulted with his counsel and agrees to a continuance in this case.

5. Failure to grant this continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

6. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence under the provisions of the Speedy Trial Act pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and (B)(i)(iv), in that failure to grant this continuance would result in a miscarriage of justice by denying counsel for the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

### **CONCLUSIONS OF LAW**

The ends of justice served by granting a continuance in this case outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant a continuance would likely result in a miscarriage of justice, would deny the parties sufficient time and opportunity to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

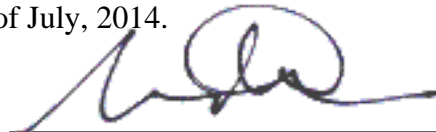
The continuance sought herein is excludable in computing the time within which the trial herein must commence under the provisions of the Speedy Trial Act pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and (B)(i)(iv).

### **ORDER**

IT IS HEREBY ORDERED that the deadline for pretrial motions is continued to August 15, 2014. Responses are due on August 29, 2014, and Replies are due on September 5, 2014.

The Court finds the need for this continuance outweighs the defendant's and public's right to a speedy trial.

**IT IS SO ORDERED** this <sup>31st</sup> \_\_\_\_ day of July, 2014.



UNITED STATES DISTRICT JUDGE